IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3099 OF 2006

Dnyneshwar Shankar Kale Applicant
versus
The State of Maharashtra Respondent

Deepak Girme and K.S.Patil for applicant.
S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. The applicant is arrested on 25th March 2006 in connection with CR No.60 of 2006 registered at Chakan Police Station. This CR is registered on 25th March 2006. The offences alleged are punishable under sections 376, 452 and 504 of IPC..

2. I have perused the statements of prosecutrix and her mother. I have also perused the report of the Medical Officer. Although, the offence alleged is serious and in law the version of the prosecutrix, at this stage is conclusive, yet, apart from delay, I am of the view that the

victim/prosecutrix being a married lady of more than 25 years and residing away from her husband with her parents for last four years, apparently knows the applicant-accused. Her delayed version that on 22nd March 2006, in the night under a knife threat the act was committed, has some inherent and material discrepancies. Further, her not reporting the incident even to her mother for a substantial period and her mother also not immediately returning to the village, prima facie, does not inspire confidence about the version of the prosecutrix and raises serious doubt. The incident was reported to the mother by the victim on 3rd April 2006 which is also some what unusual and the mother returned after ten days of knowledge is not normal. Thus, all materials in addition to delay would make out a case for the applicant to be enlarged on bail. More so, when there are no antecedents and the applicant is willing to reside out of Khed Taluka till conclusion of trial. Hence, following order.

3. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.60 of 2006 registered at

Chakan Police Station subject to furnishing a personal bond of Rs.10,000/- (Rs.Ten thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall furnish to the Investigating Officer his new address where he proposes to reside after bail and during pendency of trial. Without prior intimation to the Investigating Officer, the applicant shall not change his residence;

(iii) The applicant shall report to the nearest Police Station once in a fortnight till conclusion of trial;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(v) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vi) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)